

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|------------------------|---|------------------------------|
| JOHN AND ANNE McGRATH, | : | |
| <i>Plaintiffs</i> | : | |
| | : | |
| v. | : | CIVIL ACTION NO. 3:23-cv-270 |
| | : | |
| GREATER JOHNSTOWN | : | |
| WATER AUTHORITY, | : | Jury Trial Demanded |

PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT JUDGMENT

AND NOW, this 7th day of December, 2023, comes Plaintiffs John and Anne McGrath, by and through their counsel Summers Nagy Law Offices, and files this Motion for Entry of Default Judgment, and in support thereof avers as follows:

1. The Summons and Complaint were served upon Defendant Greater Johnstown Water Authority on November 2, 2023.
2. An answer to the Complaint was due on November 24, 2023. No response was served within the time allowed by law, nor has the Defendant sought additional time within which to respond.
3. Pursuant to the Servicemembers Civil Relief Act of 2003, Defendant is not currently in active military service.
4. Defendant is not an infant or incompetent person.
5. The claim of Plaintiffs is not yet for a known sum certain and requires that a hearing be conducted in order to arrive at a proper determination of damages.

6. Default judgment should be entered against Defendant Greater Johnstown Water Authority pursuant to Federal Rule of Civil Procedure 55(b)(2).

WHEREFORE, Plaintiffs John and Anne McGrath respectfully request that this Honorable Court grant their Motion and enter default judgment in this matter against Defendant Greater Johnstown Water Authority, with a hearing to be held by this Court to determine the issue of damages.

SUMMERS NAGY LAW OFFICES

/s/Sean E. Summers

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Counsel for Plaintiffs

Dated: December 7, 2023

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| <i>Defendant</i> | : | |

CERTIFICATE OF SERVICE

I hereby certify that on this date a true and correct copy of the foregoing Request for Default is being served by first class mail, postage prepaid, Pennsylvania, addressed as follows:

Greater Johnstown Water Authority
640 Franklin Street
Johnstown, PA 15901
Defendant, Pro Se

SUMMERS NAGY LAW OFFICES

/s/Sean E. Summers

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